



BEST AVAILABLE COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Leonard Lu et al.

Title: Packet Switch and Method Thereof Dependent on Application Content
(as amended)

Application No.: 09/883,852

Filing Date: June 18, 2001

Examiner: Lim, Krisna

Group Art Unit: 2153

Docket No.: TTEC.003US0

Conf. No.: 2590

FEES ONLY

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 23, 2005

Signature

Mary S. Buggs

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

Sir:

This is in response to the non-final Office Action dated November 23, 2004.

Claim Amendments are reflected in the listing of claims, which begins on page 2 of this paper.

Specification Amendments begin on page 20 of this paper.

Remarks begin on page 21 of this paper.

Reconsideration is kindly requested in light of the following amendments and remarks.

Adjustment date: 06/13/2005 SDIRETA1
04/07/2005 DEVANS 00000004 502664 09883852
01 FC:2202 750.00 CR

Attorney Docket No.: TTEC.003US0

Application No.: 09/883,852

- 1 -

BEST AVAILABLE COPY

04/07/2005 DEVANS 00000004 502664 09883852
01 FC:2202 750.00 CR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Leonard Lu et al.
Title: Packet Switch and Method Thereof Dependent on Application Content
Application No.: 09/883,852 Filing Date: June 18, 2001
Examiner: Unknown Group Art Unit: 2153
Docket No.: TTEC.003US0 Conf. No. 2590
(formerly M-11524 US)

Certificate of Transmission Under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on May 26, 2005

Signature

Mary E. Drayton

Via Facsimile: (703) 308-6778
Mail Stop 16 - Refunds Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND

Dear Sir:

On February 23, 2005, the undersigned filed a Response to Office Action, canceling claims 12-16 and 44-48. The claim count after the Response was 150 total claims and 11 independent claims. On April 7, 2005, the Deposit Account 502664 was erroneously charged \$750.00 for additional claims over twenty.

Below is a summary of the fee history of the above-referenced case.

1. The application was filed with 160 total claims and 15 independent claims. Attached is a copy of the PTO's Fee Calculation Sheet, which was added incorrectly showing 120 total claims and 16 independent claims. Also attached is a copy of the applicants' Fee Calculation Sheet showing the correct claim count totals.

2. Applicants deferred paying the filing fee at the time the application was filed. The Notice to File Missing Parts of Non-Provisional Application - Filing Date Granted stated Attorney Docket No.: TTEC.003US0 Application No.: 09/883,852

- 1 -

that 120 total claims and 16 independent claims were filed and fees were due for these additional claims as follows:

\$900.00 for 100 extra claims over 20 (at small entity rate of \$9.00 per claim)
\$520.00 for 13 extra independent claims over 3 (at small entity rate of \$40.00 per claim)

The \$520.00 amount is incorrect and should have been \$480.00 for 12 extra independent claims.

A copy of the Notice is attached.

3. In response to the Notice to File Missing Parts of Non-Provisional Application - Filing Date Granted, Applicants paid via Deposit Account:

\$900.00 for extra claims over 20 (at small entity rate of \$9.00 per claim)
\$546.00 for extra independent claims over 3 (at small entity rate of \$40.00 per claim)

The \$546.00 was overpaid in error by a total of \$66.00 (\$40.00 based on the incorrect amount given in the Notice and \$26.00 paid in error by Applicants). The amount that should have been paid was for the excess independent claims was \$480.00.

A copy of the Response to Notice to File Missing Parts is attached.

4. Applicants filed a Response to Office Action, canceling claims 12-16 (2 independent claims and 5 dependent claims) and 44-48 (2 independent claims and 5 dependent claims). After the Response, 150 total claims and 11 independent claims remained. The USPTO correctly counted the claims after the Response. However, Deposit Account was charged \$750.00 for the difference of 150 total claims and 120 total claims (the previously, miscalculated claim count, paid in Response to Missing Parts) at the current claim fee rate.

5. Since the fees were not counted correctly after the application had been filed, Applicant's did owe the USPTO a total of \$360.00, calculated as follows:

160 total claims at the time the application was filed
less 120 total claims calculated and paid in the Response to Notice to File Missing Parts
equals 40 extra unpaid claims at a then rate of \$9.00, equaling \$360.00.

Attorney Docket No.: TTEC.003US0

Application No.: 09/883,852

- 2 -

However, since the USPTO did not catch the error until recently, \$750.00 was charged for the 30 extra claims at the current rate, calculated as follows:

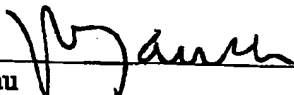
150 total claims after the Response
less 120 total claims paid in the Response to the Notice to File Missing Parts
equals 30 extra claims at the current rate of \$25.00 per extra claim totaling \$750.00

A summary of the fees are:

Amount deducted from Deposit Account in April, 2005 for claims in excess of 20 at current rate of \$25.00 per claim	\$750.00
Less amount Applicants owed for 40 unpaid extra claims in excess of 20 at rate of \$9.00 per claim	(\$360.00)
Subtotal of amount due to Applicants	<u>\$390.00</u>
Plus amount overpaid (for independent claims) in the Response to the Notice to File Missing Parts	\$66.00
Amount due to be refunded to Applicants	<u>\$456.00</u>

The difference owed Applicants is \$456.00. It is respectfully requested that the balance of \$456.00 be credited back to Deposit Account Number 502664. This document is being submitted in duplicate.

Respectfully submitted,


Philip Yau
Reg. No. 32,892

May 26, 2005
Date

PARSONS HSUE & DE RUNTZ LLP
655 Montgomery Street, Suite 1800
San Francisco, CA 94111
(415) 318-1160 (main)
(415) 318-1165 (direct)
(415) 693-0194 (fax)

Attorney Docket No.: TTEC.003US0

Application No.: 09/883,852

- 3 -

CLAIMS ONLY							SERIAL NO. 09583852	FILED DATE 6/15/01				
CLAIMS												
	AS FILED		AFTER 1ST AMENDMENT		AFTER 2ND AMENDMENT							
	IND.	DER.	IND.	DER.	IND.	DER.		IND.	DER.	IND.	DER.	
1							51					
2							52					
3							53					
4							54					
5							55					
6							56					
7							57					
8							58					
9							59					
10							60					
11							61					
12							62					
13							63					
14							64					
15							65					
16							66					
17							67					
18							68					
19							69					
20							70					
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32							82					
33							83					
34							84					
35							85					
36							86					
37							87					
38							88					
39							89					
40							90					
41							91					
42							92					
43							93					
44							94					
45							95					
46							96					
47							97					
48							98					
49							99					
50							100					
TOTAL IND.	16						TOTAL IND.	6				
TOTAL DER.	104	130					TOTAL DER.	130				
TOTAL CLAIMS	120						TOTAL CLAIMS	146				

* MAY BE USED FOR ADDITIONAL CLAIMS OR AMENDMENTS

FORM PTO-2022 (1-03)

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

U.S. GPO 1989-434-000-102

Correct
Totals
15 12 extra
145
160 130 extra

PATENT APPLICATION FEE DETERMINATION RECORD Effective October 1, 2000

Application or Docket Number

M-11524US-

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	110 74	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	120 minus 20 =	100
INDEPENDENT CLAIMS	16 minus 3 =	13
MULTIPLE DEPENDENT CLAIM PRESENT	<input type="checkbox"/>	

* If the difference in column 1 is less than zero, enter "0" in column 2

CLAIMS AS AMENDED - PART II

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	•	Minus	=
Independent	•	Minus	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	•	Minus	=
Independent	•	Minus	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	•	Minus	=
Independent	•	Minus	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

- * If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 - * If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."
 - * If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."
- The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

SMALL ENTITY TYPE ☐ OR

OTHER THAN SMALL ENTITY

RATE	FEE
BASIC FEE	355.00
X\$ 9=	1,080
X40=	520
+135=	
TOTAL	1,955

RATE	FEE
BASIC FEE	710.00
X\$18=	
X80=	
+270=	
TOTAL	

SMALL ENTITY OR

OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE
X\$ 9=	
X40=	
+135=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$18=	
X80=	
+270=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$ 9=	
X40=	
+135=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$18=	
X80=	
+270=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$ 9=	
X40=	
+135=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$18=	
X80=	
+270=	
TOTAL ADDIT. FEE	

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

TTEC. 003USO MULTIPLE DEPENDENT CLAIM FEE CALCULATION SHEET Substitute for Form PTO-1380 (For use with Form PTO/SE/08) 2-2005							Application Number 09/883852		Filing Date 6/18/2001	
							Applicant(s) Leonard Lu et al.			
							* May be used for additional claims or amendments			
CLAIMS	AS FILED		AFTER FIRST AMENDMENT		AFTER SECOND AMENDMENT					
	Indep	Depend	Indep	Depend	Indep	Depend	Indep	Depend	Indep	Depend
1	X		X							
2		1		1						
3		1		1						
4		1		1						
5		1		1						
6	X		X							
7		6		6						
8		1-7		1-7						
9		8		8						
10		1-7		1-7						
11		10		10						
12	X		Cancel							
13	X									
14		13		13						
15		13		13						
16		12		12						
17	X		X							
18		17		17						
19		17		17						
20		17		17						
21		17		17						
22	X		X							
23		22		22						
24		17-22		17-22						
25		24		24						
26		17-22		17-22						
27		26		26						
28	X		X							
29	X		X							
30		29		29						
31		29		29						
32		28		28						
33	X		X							
34		33		33						
35		33		33						
36		33		33						
37		33		33						
38	X		X							
39		38		38						
40		33-39		33-39						
41		40		40						
42		33-39		33-39						
43		42		42						
44	X		Cancel							
45	X									
46		45		45						
47		45		45						
48		44		44						
49	X		X							
50		49		49						
Total Indep										
Total Depend										
Total Claims										

51		50		50		
52	X		X			
53		49-52		49-52		
54		49-52		49-52		
55		49-52		49-52		
56		55		55		
57		49-52		49-52		
58		57		57		
59	X		X			
60		59		59		
61		59		59		
62		59		59		
63		59		59		
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69		60		60		
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92						
93						
94						
95						
96						
97						
98						
99						
100						
Total Indep	15		11			
Total Depend	145		139			
Total Claims	160		150			

This collection of information is required by 37 CFR 1.10. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-8199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/883,852	06/18/2001	Leonard Lu	M-11524 US

CONFIRMATION NO. 2590

FORMALITIES LETTER



0000000006417035

Philip Yau
MAJESTIC. PARSONS, SIEBERT & HSUE
SUITE 1100
FOUR EMBARCADERO CENTER
SAN FRANCISCO, CA 94111

Date Mailed: 08/13/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$1420.
 - \$900 for 100 total claims over 20.
 - \$520 for 13 independent claims over 3 .
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$85 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1840.

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): LEONARD L. LU, DEH-PHONE K. HSING, BO-CHAO CHENG, and
TSONG-HO WU

Assignee: TRANSTECH NETWORKS USA, INC.

Title: CONTENT-AWARE APPLICATION SWITCH AND METHODS
THEREOF

Serial No.: 09/883,852 Filing Date: June 18, 2001

Examiner: Unknown Group Art Unit: 2151

Docket No.: M-11524 US

San Francisco, California
November 12, 2001

BOX MISSING PARTS
COMMISSIONER FOR PATENTS
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF NON-
PROVISIONAL APPLICATION - FILING DATE GRANTED

Dear Sir:

In response to the "Notice to File Missing Parts of Non-Provisional Application - Filing Date Granted" mailed by the United States Patent and Trademark Office on August 13, 2001, the following documents are enclosed to complete the filing of the above-identified patent application:

1. A Declaration for Patent Application and Power of Attorney signed by the inventors in compliance with 37 CFR 1.63.
2. Copy of Notice to File Missing Parts of Non-Provisional Application - Filing Date Granted.
3. A Petition for Extension of Time for a one-month extension.

Applicants qualify for small entity status. The United States Patent and Trademark Office is hereby authorized to charge the following fees to Deposit Account No. 19-2386:

819998 v1

-1-

Serial No. 09/883,852

LAW OFFICES OF
SUSAN M. MORRILL
DEVELOPMENT

75 METRO DRIVE
SUITE 700
SAN JOSE, CA 95110
(408) 433-9200
FAX (408) 433-7999

- | | | |
|----|--|------------|
| 1. | The statutory basic filing fee of \$370.00; the additional claims fee of \$900.00; the additional independent claims fee of \$546.00; and the one-month extension fee of \$55.00 | \$1,871.00 |
| 2. | One-month Extension Fee | \$65.00 |
| 3. | TOTAL FEES: | \$1,936.00 |


The Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment to Deposit Account No: 19-2386.

It is hereby respectfully submitted that the enclosed documents complete the filing of the above patent application and justify the filing date of June 18, 2001. Please telephone the undersigned at (415) 217-6000, if there are any questions. This form is being submitted in duplicate.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on November 13, 2001.

 11/13/01
Tammy L. Kaplan Date of Signature

Respectfully submitted,


Philip Yau
Agent for Applicants
Reg. No. 32,892

LAW OFFICES OF
SHERYEN HORNELL
MONTGOMERY LLP

25 METRO DRIVE
SUITE 700
SAN JOSE, CA 95110
(408) 453-9200
FAX (408) 453-7979

819998 vl

-2-

Serial No. 09/883,852

PATENT APPLICATION FEE DETERMINATION RECORD Effective October 1, 2000

Application or Docket Number

09883852
M-1152405

CLAIMS AS FILED - PART I

(Column 1) (Column 2)

TOTAL CLAIMS	118 74	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	120 minus 20 =	100
INDEPENDENT CLAIMS	16 minus 3 =	13
MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/>		

If the difference in column 1 is less than zero, enter "0" in column 2

CLAIMS AS AMENDED - PART II

2/28/05

(Column 1) (Column 2) (Column 3)

AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	150	120	30
Independent	11	16	-
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

(Column 1) (Column 2) (Column 3)

AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total			
Independent			
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

(Column 1) (Column 2) (Column 3)

AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total			
Independent			
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

- If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 - If the "Highest Number Previously Paid For" in THIS SPACE is less than 20, enter "20."
 - If the "Highest Number Previously Paid For" in THIS SPACE is less than 3, enter "3."
- The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

SMALL ENTITY TYPE ☐ OR

OTHER THAN SMALL ENTITY

RATE	FEE	OR	RATE	FEE
BASIC FEE	355.00	OR	BASIC FEE	710.00
X50=	1,050	OR	X518=	
X40=	520	OR	X80=	
+135=		OR	+270=	
TOTAL	1,955	OR	TOTAL	

SMALL ENTITY OR OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
X25=	750	OR	X50=	
X100=		OR	X80=	
X180=		OR	X360=	
TOTAL	750	OR	TOTAL	

RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
X50=		OR	X518=	
X40=		OR	X80=	
+135=		OR	+270=	
TOTAL		OR	TOTAL	

RATE	ADDITIONAL FEE	OR	RATE	ADDITIONAL FEE
X50=		OR	X518=	
X40=		OR	X80=	
+135=		OR	+270=	
TOTAL		OR	TOTAL	

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that 120 total claims and 16 independent claims were filed and fees were due for these additional claims as follows:

\$900.00 for 100 extra claims over 20 (at small entity rate of \$9.00 per claim)

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160 total claims at the time the application was filed
less 120 total claims calculated and paid in the Response to Notice to File Missing Parts
equals 40 extra unpaid claims at a then rate of \$9.00, equaling \$360.00.

Attorney Docket No.: TTEC.003USO

Application No.: 09/883,852

- 2 -

PARSONS HSUE & DE RUNTZ LLP

655 Montgomery Street, Suite 1800 San Francisco, Ca 94111
tel 415.318.1160 fax 415.693.0194

Date May 26, 2005
To United States Patent and Trademark Office
Mail Stop 16 - Refunds Branch
Fax number (703) 308-6778
Tel number (800) 786-9199

From Philip Yau, Reg. No. 32,892
Total pages 14
Subject Application No.: 09/883,852
Your Ref. Conf. No.: 2590
Our Ref. TTEC.003US0

MAIL STOP 16 - REFUNDS BRANCH
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

Applicants: Leonard Lu et al.
Title: Packet Switch and Method Thereof Dependent on Application Content
Application No.: 09/883,852
Filing Date: June 18, 2001
Conf. No.: 2590
Atty Docket No.: TTEC.003US0 (formerly M-11524 US)

ENCLOSED:

1. Request for Refund (3 pages - in duplicate)
2. Copies of: PTO Claim Sheet (1 page), PTO Patent Application Fee Determination Record (1 page); Applicant's Multiple Dependent Claim Fee Calculation Sheet (1 page), Notice to File Missing Parts (1 page), Response to Notice to File Missing Parts (2 pages), PTO Patent Application Fee Determination Record (1 page)

PY/meb

Due Date: n/a
Transmission Date: May 26, 2005

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